

REMARKS

This is in response to the Office Action dated December 28, 2007. In view of the following representations, reconsideration is respectfully requested. A clean copy of the pending claims is included for the Examiner's convenience.

In the previous Office Action, the Examiner rejects claims 1 and 4-7 under 35 U.S.C. 102(b) as being anticipated by Gudmundsson (U.S. Patent No. 5,536,893). However, as will be demonstrated below, the Gudmundsson apparatus does not meet each and every limitation of claim 1.

Initially, it is noted that in order to anticipate, a prior art reference must disclose, either expressly or inherently, each and every limitation set forth in a claim.

The present invention, as embodied by claim 1, requires a system in which the elements are connected to each other in a direction of flow in the order in which they are listed in the claim. Thus, in order to meet the express limitations of claim 1, the Gudmundsson reference must disclose each of the elements of claim 1 arranged in the direction of flow in the order in which the elements are listed in the claim. However, it is indisputable that the Gudmundsson refrigeration unit 11 (second heat exchanger) is disposed downstream of the separator 1C (see Fig. 3), and not between the separator and the reactor as required in claim 1. Thus, for at least this reason, the Gudmundsson reference cannot anticipate claim 1 under 35 U.S.C. 102(b).

Further, claim 1 requires "a line which leads from the separator to the reactor and is provided with a pump adapted to recycle material from the separator back to the reactor." However, in Gudmundsson, a line leads from the gas separator to the reactor 6 and the

line is provided with a compressor, and not a pump as required in claim 1. As described in col. 7, lines 53-65, compressing the separated gas 1C to a pressure above the reactor pressure is sufficient to permit the gas to easily flow into the reactor. Thus, the Gudmundsson reference clearly does not anticipate the limitation set forth in lines 10-11 of claim 1.

In the “Response to Arguments” section of the Office Action, the Examiner agrees with the argument that elements of the Gudmundsson system are not arranged in the order of the listed elements of claim 1. However, the Examiner explains that *“it is the position taken by the examiner that with the “including” language which is “open” language and that the statement is a direction of flow, this does not mean that there is a direct sequence and direct sequence of elements as argued by applicant.”*

The fact that the language “including” is an open transitional phrase, does not mean that the sequence or order of the elements can be ignored. The term “including” means the same thing as the term “comprising” which has been construed to mean “including the following elements but not excluding others.” See *Ex parte Schaefer*, 171 USPQ 110 (Bd. App. 1970). Thus, the term “including” would not preclude the presence of other elements in addition to the listed elements. However, the open term “including” does not negate the requirement that the elements be disclosed in the order in which the elements are listed in claim 1. As demonstrated above, the Gudmundsson reference does not disclose a system in which the elements, recited in claim 1, are connected to each other in a direction of flow in the order in which the elements are listed in the claim.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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